

Історико-політичні проблеми сучасного світу:
Збірник наукових статей. – Чернівці:
Чернівецький національний університет,
2016. – Т. 33-34. – С. 316-320

Modern Historical and Political Issues:
Journal in Historical & Political Sciences. – Chernivtsi:
Chernivtsi National University,
2016. – Volume. 33-34. – pp. 316-320

УДК: 35.071.6(477)

© Mykhailo Pavliuk¹

Decentralization reform in Ukraine: from amalgamated self-sufficient communities to effective local self-governance

In this research the background and content of Decentralization has been researched which nowadays supposed to be among key reforms and requires Ukraine and our society from the early 1990s. Implementation should open many new abilities and opportunities to build strong civil society, fight overpowering corruption, making local authority as well as community members more responsible for the most essential issues. And despite of the total administrative bureaucracy, inherited from soviet past, negligible negative propaganda, lack of well-prepared staff, influence of oligarchs and their allies, war with Russia and other problems nevertheless does not give officials chance to postpone the development of amalgamated self-sufficient communities. Any kind of “delay” can not only offend majority of proeuropean Ukrainian activists but might mark next wave of debate about “special status” of some territories in Ukraine.

Keywords

Decentralization, local self-governance, self-sufficient communities, deputy.

Реформа децентралізації в Україні: від об'єднаних самодостатніх громад до ефективного місцевого самоврядування

У роботі досліджено передумови та зміст реформи децентралізації, яка повинна бути серед першочергових, та, починаючи з раних 1990-х рр., потребує Українська держава та суспільство. Імплементация реформи має створити нові можливості та умови для розвитку міцного громадянського суспільства, боротьби з корупцією, зробивши місцеву владу й членів територіальної громади, більше відповідальними за ключові процеси й виклики. Автор доводить, що, незважаючи на наявність масштабної адміністративної бюрократії, успадкованої з радянського минулого, гідкої негативної пропаганди, браку добре підготовлених управлінських кадрів, впливу олігархів та їх союзників, війни з Росією та інших проблем, все ж владі не залишається шансу відтермінувати розвиток самодостатніх об'єднаних громад. Будь-які спроби “зупинки” реформи можуть не тільки збури проєвропейські налаштованих українських активістів, але й спровокувати ще одну хвилю дискусій про “особливі статуси” ряду територій України.

Ключові слова

Децентралізація, місцеве самоврядування, самодостатні громади, депутат.

Over the last few years, Ukraine has undergone historical changes, including Revolution of Dignity, annexation of Crimean peninsula, escalation on the Eastern Ukraine, the election of a new president and parliament with formation consequently of proeuropean coalition two times (which in particular both support decentralization reform), establishment of a government that is dedicated to democratic reforms and reaching criteria for NATO and EU membership. Thus law enforcement system reform, strong commitment to EU-Ukraine Association Treaty, civil control over military forces might be current grand strategy for Ukraine.

Behalf these ongoing changes, one thing is crucially important – once again the idea to change attitude between state its citizen and society in Ukraine, what used to be many times ignored in 2010-2013.

Therefore, decentralization nowadays supposed to be among key reforms, which requires Ukraine and our society from the early 1990s.² The proclamation of this reform is also a result of the

¹ Кандидат політичних наук, доцент кафедри міжнародних відносин, Чернівецький національний університет імені Юрія Федьковича, Україна, Email: vasilii.ostapiak@gmail.com

pronounced public demand for the devolution of power and resources to local communities and a subsequently strong commitment (for the time being thorough half official statements without passing interlinked bills yet) by the new political elite to reform the existing system of local governance.

From one hand, implementation of № 1 Reform in Ukraine should open many new abilities and opportunities for first of all building strong civil society, fighting overpowering corruption, getting constant local authority as well as community members more responsible for the most essential issues, proclaiming subsidiarity principle (under which the task should be settled at the lowest level where their solutions are possible and effective) in a daily usual life. These all steps and institutes themselves should support and to some extent promote decentralization by managing possibilities.

On the other hand, decentralization reform in Ukraine has already started, some say even several years ago and has already faced dramatic challenges inside and outside the state. Despite of the total administrative bureaucracy, inherited from soviet past, negligible negative propaganda from outside Ukraine, lack of well-trained staff, influence of oligarchs and their allies, war with Russia and many other points have led to misunderstanding and some times overestimating the role of central authorities. But nevertheless these all examples do not give central branches of power chance to postpone the implementation of this reform. At the same time, it should be obvious for political institutions, government and parliament that delegation of power to the local authorities much more guarantees effective use of strategic resources, infrastructure projects, foreign investments that it does/comes for the time being.

Any kind of delay can not only offend and stir majority of proeuropean Ukrainian activists but might mark next wave of debate about “special status” of some territories in Ukraine. So, peaceful solution of military conflict on the East of Ukraine restoring territorial integrity of Ukraine is closely interlinked and to some extent depends on successful advancement of decentralization reform.

Let us be clear, decentralization means in our point not only authority (which derives from ancient Greek «kratos» – power) or financial capabilities. Of course, officially we say Decentralization means delegating considerable authority and budgets from the state bodies to the bodies of local self-governance, to entrust as much authority as possible to the bodies operating closest to public, where this authority can be exercised most successfully³.

But summarizing basic key concepts we might admit, that (decentralization) is once created opportunity for amalgamated self-sufficient communities to determine what political, infrastructure, financial, social, in case of Chernivtsi region cross-border agenda should be proposed, discussed in public, supported by majority and implemented on their local level.

This agenda clearly refers to basic points of Orange and Euromaidan «occupy» protest movements. People protected their personal and civil rights and wanted to become a source of power under general democracy principle and according to Article 5 of Constitution of Ukraine. It should be stressed, this point in practice must be sort of fuse to return back to the era of authoritarianism to late Kuchma and Yanukovych era. That’s why is important to point that authority should be transferred to the lowest – that is closest to the people level. If that does not harm the quality of provided services thus these powers under some conditions will be implemented most successfully. In other words, decentralization involves effective cooperation at various levels and selected designated authorities in the center of which lies the interest of citizens.

We would also mention about opportunities and possibilities which presumably Ukrainians get after upcoming results of the decentralization. Ukrainians have already twice given strong support to general political freedoms and their expectations which are partly reflected in recent social surveys. So 60 % of Ukrainians (according to November 2015 large-scale social polls)⁴ support decentralization which means, in fact, some kind of civil duty (to control) and decision-making process enrollment.

Other surveys organized by Hromadske TV and broadcasted in September 2015 by asking people if local authorities are ready to decentralization reform have had the following answer – 25 % definitely

² Guide for best Practices. Conclusions and Recommendations based on presentations and further discussion at the International workshop “From Inspiration to Implementation: Europeanization process in Ukraine” (2016), 22-23 January 2016, Chernivtsi, Ukraine, режим доступу : <http://www.quadrivium.org.ua/InIm/guide-for-best-practices/>

³ Юридична енциклопедія, у 6 т., (2003), Ю.С. Шемшученко (Ред.), Київ, Укр. енцикл, Т. 1, – С. 101.

⁴ Almost 60 % of Ukrainians support decentralization, (2015), *Newsletter «Decentralization reform in Ukraine»*, November, P. 2, режим доступу: <http://decentralization.gov.ua/en/newsletter/item/id/285>

say yes and 43 % somewhat yes⁵. So it is obvious majority, which supports this right defined by nation direction on the whole.

In other words, citizens should pay taxes properly as well as decide which costs and payments local power disposes, as well as initiative and personal participation in different kinds of local quizzes, referendum, public discussions, by passing e-petitions.

We want to emphasize, corruption system will fail that very moment when active and responsible citizen will respect rule of law, protect individual rights and share European values. The most dangerous and rooted kind of corruption – political corruption will lose solid foundation and basis: well-informed self-sufficient community is a real challenge to oligarchs – main beneficiaries of daily habitual corruption in Ukraine.

And, of course, if there is any need to talk about «Maidan 3.0» – the problem of rooting out corruption can unite many Ukrainians throughout the country. And the mature discussion about Prosecutor general appointment, the type of electoral system, coalition competence, populism of some fractions in parliament, the system of checks and balances in the central executive power on the whole shows sincerity and consistency intentions of many civil society activists.

We must in particular admit that decentralized system in Ukraine was among top priorities of different political leaders, parties and governments. At the same time every institute has got own motivation and experience bringing Ukraine to self-governance. For all of them Constitutional agenda is among priorities.

The Constitution of Ukraine which was adopted in 1996 declared combination of centralization and decentralization in exercising government authority and only partly gave right to communities to solve local problems. Despite for instance of article 3 of fundamental European Charter of Local Self-Government adopted in 1985 which «denotes right and ability ... within the limits of the law». The notion of “ability” expresses the idea that the legal right to regulate and manage certain public affairs must be accompanied by the means of doing so effectively. The inclusion of the phrase «within the limits of the law» recognises the fact that this right and ability may be defined more closely by legislation⁶. The Constitutional Process in 2016 must bring absolutely new distribution of power within centre and region and define new institute – local self-sufficient community. Such process should deliberately be supported by parliament, experts, and finally society.

Current constitutional amendments proposed in 2014-2015 fall into three categories. The first establishes a new territorial division of Ukraine into three types of sub-national units: communities, districts and regions. The second category draws up a new model of power distribution between different kinds of sub-national governments and central authorities by abolishing local state administrations at district and regional levels and providing district and regional councils with the ability to create their own executive bodies. The third group of amendments increases the authority of sub-national entities by replacing state administrations with prefects who would have the right to suspend the decisions of local councils.

We strongly believe that no any other reason to upgrade Constitution or installation of “special status” to any part of sovereign Ukraine can be possible. We want to clarify that decentralization on the Russian conditions nowadays is a dangerous precedent for rooting and growing influence of Moscow in southeast Ukraine and lead to irreversible processes that will undermine Ukraine’s position as the state and subject of international relations.

At the same time, Ukrainian officials, according to expert’s point of well-known think-tank Ilko Kucheriv Democratic Initiatives Charitable Foundation, should take immediately further steps:

- launch a public campaign to explain the constitutional amendments;
- integrate international community, which may have contribute their expertise to elaborating the laws on self-government and prefects;
- the last but no least, broaden ties with EU intitutions, that would improve the prospects of a successful constitutional reform on these issues if they separate the issue of decentralization from

⁵ The Sunday Show - Decentralization In Ukraine, Explained, Hromadske TV, режим доступу : <https://www.youtube.com/watch?v=CpkpVWBvGTU>

⁶ European Charter of Local Self-Government and explanatory report (2010), Local&Regional, Brussels, – P. 34.

implementing the Minsk-II agreements. This would lower the temperature around the decentralization reform by making the debate more domestic, rather than foreign policy issue⁷.

And afterward preconditions for competitive local self-government can make further successful reforms possible. Re-elected in autumn 2015 local councils in short terms had to implement roadmap of decentralization (which might include in particular formation of executive committees). In Chernivtsi region first 18 local communities-newcomers should feel strong support to grant public service⁸. Despite diminishing bureaucracy, additional departments with upcoming staff can balance lack of experts, analysts, crisis managers among former or current local MPs, chairmen and other officials. We believe that they will have enough responsibilities. As official statement proclaims «local self-governance bodies will be in charge of school and pre-school education, health care at the basic level (out-patient clinics, first medical aid stations), cultural establishments, public works – street lighting, roads, street cleaning, public order, and of many other vital issues». We believe also the success will be gained with effective and decent common work of members of local parliament (MPs).

The best proof for local deputy in terms of strictly following the Euromaidan ideals and decentralization reform should be independent roll call voting, compulsory sessions and committees attendance, accessibility and accountability before local community by MPs. We have got the experience to be local MPs twice. We are addicted on the idea to change attitude between councils and communities, local MPs and citizens, their rights and duties etc.

All these aspects can step by step approach us to the goal of our ambitious reforms – to share European values, achieve European standards and prepare to be able in 2020 to apply for EU membership.

It is important to welcome all European partners to work with the Ukrainian government and civil society organizations to provide assistance to newly established amalgamated communities. By offering these self-sufficient communities technical, advisory, and financial assistance, as well as opportunities to exchange knowledge and experience with their counterparts in EU member states, like Poland and Rumania, the EU will help local communities in Ukraine to take advantage of their enhanced powers to improve the wellbeing of Ukrainian citizens and, in the end, secure their greater commitment to democratization and European integration.

Number of EU states still determines specified format of dialogue with Ukraine concerning its European prospects, which in the future may harm the interests of Ukraine and the EU. Granting Ukraine a clear European perspective as well as successful assistance in implementing key reforms is the only correct sign from the EU for our country and adequate response to the intervention of south-eastern Ukraine. As well as current assistance in implementation of number 1 decentralization reform in Ukraine which prevents democratic rollback and gives stronghold for further successful changes and reforms inside our European country.

Список джерел

1. Юридична енциклопедія, у 6 т., (2003), Ю.С. Шемшученко (Ред.), Київ, Укр. енцикл, Т. 1, – С. 101.
2. Almost 60 % of Ukrainians support decentralization, (2015), *Newsletter «Decentralization reform in Ukraine»*, November, P. 2, режим доступу: <http://decentralization.gov.ua/en/newsletter/item/id/285>
3. «Decentralization reform in Ukraine» (2015), November, P. 2, режим доступу: <http://decentralization.gov.ua/en/newsletter/item/id/285>
4. Chernivtsi region. Amalgamated communities, Офіційний веб-портал реформи децентралізації влади в Україні, режим доступу: <http://decentralization.gov.ua/region/item/id/24>
5. European Charter of Local Self-Government and explanatory report (2010), Local&Regional, Brussels, – P. 34.
6. Guide for best Practices. Conclusions and Recommendations based on presentations and further discussion at the International workshop “From Inspiration to Implementation: Europeanization process in Ukraine” (2016), 22-23 January 2016, Chernivtsi, Ukraine, режим доступу : <http://www.quadrivium.org.ua/InIm/guide-for-best-practices/>

⁷ Sydoruk O. (2016), Decentralization reform in Ukraine, Prospects and challenges, Policy brief, Kyiv, – P.7.

⁸ Chernivtsi region. Amalgamated communities, Офіційний веб-портал реформи децентралізації влади в Україні, режим доступу: <http://decentralization.gov.ua/region/item/id/24>

7. Sydorchuk O. (2016), Decentralization reform in Ukraine, Prospects and challenges, Policy brief, Kyiv, – P.7.

8. The Sunday Show - Decentralization In Ukraine, Explained, Нromadske TV, режим доступу : <https://www.youtube.com/watch?v=CpkrVWBvGTU>

References

1. Yurydychna encyklopedia, (2003), Y 6 t., Y.S.Schemschuchenko (holova redkolehiyi), K.; Ukr. Encyclopedia, T. 1. – S. 101.

2. Almost 60 % of Ukrainians support decentralization, (2015), *Newsletter «Decentralization reform in Ukraine»*, November, P. 2, режим доступу: <http://decentralization.gov.ua/en/newsletter/item/id/285>

3. «Decentralization reform in Ukraine». November 2015. P. 2., режим доступу: <http://decentralization.gov.ua/en/newsletter/item/id/285>

4. Chernivtsi region. Amalgamated communities, Офіційний веб-портал реформи децентралізації влади в Україні, режим доступу : <http://decentralization.gov.ua/region/item/id/24>

5. European Charter of Local Self-Government and explanatory report, (2010), Local&Regional, Brussels, - P. 34.

6. Guide for best Practices. Conclusions and Recommendations based on presentations and further discussion at the International workshop “From Inspiration to Implementation: Europeanization process in Ukraine”. 22-23 January 2016, Chernivtsi, Ukraine, режим доступу : <http://www.quadrivium.org.ua/InIm/guide-for-best-practices/>

7. Sydorchuk O., (2016), Decentralization reform in Ukraine. Prospects and challenges. Policy brief., Oleksii Sydorchuk, Kyiv, – P.7.

8. The Sunday Show - Decentralization In Ukraine, Explained, Нromadske TV, режим доступу : <https://www.youtube.com/watch?v=CpkrVWBvGTU>